

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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Nifty Home Products, Inc.

Plaintiff,

Civil No. \_\_\_\_\_

v.

Pretty Star Store, LLC  
d/b/a DecoBros

Defendant

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**COMPLAINT FOR PATENT INFRINGEMENT**

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Plaintiff Nifty Home Products, Inc. (“Nifty”), for its Complaint against Defendant Pretty Star Store, LLC d/b/a DecoBros (“DecoBros”) states and alleges as follows:

**PARTIES**

1. Plaintiff Nifty is a Minnesota corporation with its principal place of business in Madison Lake, MN. Nifty designs and sells a variety of kitchen accessories.

2. Defendant Pretty Star Store, LLC d/b/a DecoBros, upon information and belief, is a limited liability company, organized under the laws of the State of California, and having its principle place of business at 19745 Colima Road, #1-152, Rowland Heights, California, 91748.

**JURISDICTION AND VENUE**

3. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281-285.

4. This Court has jurisdiction over the subject matter over Nifty’s federal claims by virtue of 28 U.S.C. §§ 1331 and 1338(a) and (b).

5. This Court has personal jurisdiction over DecoBros, as DecoBros has engaged in acts of patent infringement in the United States and in the District of Minnesota. Specifically, DecoBros has purposely and intentionally subjected itself to the privileges of doing business in the State of Minnesota by placing its goods in the stream of commerce with the intent that they would be sold in Minnesota. DecoBros has offered for sale and sold products in the State of Minnesota which infringe certain design patents owned by Nifty. Venue is proper under 28 U.S.C. §§ 1391(b) and 1400(b), as DecoBros has committed acts of infringement in this district.

### **THE PATENTS-IN-SUIT**

6. On or about November 30, 2009, Martin Snider filed an application for a design patent on a Countertop Coffee Pod Drawer. On or about December 7, 2010, the United States Patent and Trademark Office (“USPTO”) duly granted U.S. Patent No. D628,444 (“the ‘444 Patent”) to Mr. Snider. On or about March 10, 2014, the ‘444 Patent was assigned to Nifty. A copy of the ‘444 Patent is attached as Exhibit 1 to this Complaint. A copy of the Assignment of the ‘444 Patent is attached as Exhibit 2.

7. On or about April 29, 2010, Martin Snider filed an application for a design patent on a Countertop Coffee Pod Drawer. On or about December 7, 2010, the USPTO duly granted U.S. Patent No. D628,445 (“the ‘445 Patent”) to Mr. Snider. On or about March 10, 2014, the ‘445 Patent was assigned to Nifty. (See Ex. 2). A copy of the ‘445 Patent is attached as Exhibit 3 to this Complaint.

8. On or about April 8, 2011, Frank Tiemann filed an application for a design patent on a Drawer For Holding Beverage Cartridges. On or about May 14, 2013, the USPTO duly granted U.S. Patent D659,481 (“the ‘481 Patent”) to Mr. Tiemann. Mr. Tiemann assigned the ‘481 Patent to Nifty. A copy of the ‘481 Patent is attached as Exhibit 4.

9. On or about February 23, 2011, Frank Tiemann filed an application for a design patent on a Drawer For Holding Beverage Cartridges. On or about May 22, 2012, the USPTO duly granted U.S. Patent No. D660,088 (“the ‘088 Patent”) to Mr. Tiemann. A copy of the ‘088 Patent is attached as Exhibit 5.

10. On or about December 27, 2011, Frank Tiemann filed an application for a design patent on a Drawer for Holding Beverage Cartridges. On or about May 14, 2013, the USPTO duly granted U.S. Patent No. D682,039 (“the ‘039 Patent”) to Mr. Tiemann. A copy of the ‘039 Patent is attached as Exhibit 6.

11. On or about July 13, 2011, Frank Tiemann filed an application for a design patent on a Drawer for Holding Beverage Cartridges. On or about June 19, 2012, the USPTO duly granted U.S. Patent No. D661,951 (“the ‘951 Patent”) to Mr. Tiemann. A copy of the ‘951 Patent is attached as Exhibit 7.

### **The Accused Products**

12. DecoBros is, upon information and belief, offering for sale, selling, importing into the United States, or otherwise distributing a DecoBros K-cup Storage Drawer Holder for Keurig K-cup Coffee Pods. A printout showing the DecoBros DecoBros K-cup Storage Drawer Holder for Keurig K-cup Coffee Pods offered for sale on Amazon.com is attached as Exhibit 8.

13. DecoBros is, upon information and belief, offering for sale, selling, importing into the United States, or otherwise distributing a DecoBros Coffee Pod Storage Mesh Nespresso Drawer holder for 56 Capsules, Black. A printout showing the DecoBros Coffee Pod Storage Mesh Nespresso Drawer holder for 56 Capsules, Black offered for sale on Amazon.com is attached as Exhibit 9.

14. DecoBros is, upon information and belief, offering for sale, selling, importing into the United States, or otherwise distributing a Keurig Vue Cup Storage Drawer Holder for 25 Vue Pods Packs by DecoBros. A printout showing the Keurig Vue Cup Storage Drawer Holder for 25 Vue Pods Packs by DecoBros offered for sale on Amazon.com is attached as Exhibit 10.

15. DecoBros is, upon information and belief, offering for sale, selling importing into the United States, or otherwise distributing a T-Disc Holder Drawer by DecoBros®. A printout showing the T-Disc Holder Drawer by DecoBros® offered for sale on Amazon.com is attached as Exhibit 11.

**COUNT I: INFRINGEMENT OF THE '951 PATENT**

16. The allegations of Paragraphs 1-15 of the Complaint are realleged and incorporated herein by reference.

17. DecoBros has infringed and continues to infringe the '951 Patent by offering for sale and selling in the United States and within this judicial district and importing into the United States, without authorization, its T-Disc Holder Drawer by DecoBros® that is substantially the same as the design illustrated in the '951 Patent. The resemblance between the patented Drawer for Holding Beverage Cartridges and the T-Disc Holder Drawer by DecoBros® is such to permit an ordinary observer to purchase the unauthorized T-Disc Holder Drawer by DecoBros®, supposing it to be the patented Drawer for Holding Beverage Cartridges.

18. DecoBros' actions have caused and will continue to cause irreparable harm to Nifty unless enjoined.

**COUNT II: INFRINGEMENT OF THE '445 AND '039 PATENTS**

19. The allegations of Paragraphs 1-18 of the Complaint are realleged and incorporated herein by reference.

20. DecoBros has infringed and continues to infringe the '445 Patent and the '039 Patent by offering for sale and selling in the United States and within this judicial district and importing into the United States, without authorization, its DecoBros K-cup Storage Drawer Holder for Keurig K-cup Coffee Pods that is substantially the same as the designs illustrated in the '445 Patent and '039 Patent. The resemblance between the patented Countertop Coffee Pod Drawer and/or Drawer for Holding Beverage Cartridges and the DecoBros K-cup Storage Drawer Holder for Keurig K-cup Coffee Pods is such to permit an ordinary observer to purchase the unauthorized DecoBros K-cup Storage Drawer Holder for Keurig K-cup Coffee Pods, supposing it to be the patented Countertop Coffee Pod Drawer and/or Drawer for Holding Beverage Cartridges.

21. DecoBros' actions have caused and will continue to cause irreparable harm to Nifty unless enjoined.

**COUNT III: INFRINGEMENT OF THE ‘088, ‘481, ‘039, ‘444, AND ‘445  
PATENTS**

22. The allegations of Paragraphs 1-21 of the Complaint are realleged and incorporated herein by reference.

23. DecoBros has infringed and continues to infringe the ‘088, ‘481, ‘039, ‘444 and ‘445 Patents by offering for sale and selling in the United States and within this judicial district and importing into the United States, without authorization, its Keurig Vue Cup Storage Drawer Holder for 25 Vue Pods Packs by DecoBros that is substantially the same as the design illustrated in the ‘088, ‘481, ‘039, ‘444 and ‘445 Patents. The resemblance between the patented Countertop Coffee Pod Drawers and/or Drawer for Holding Beverage Cartridges and its Keurig Vue Cup Storage Drawer Holder for 25 Vue Pods Packs by DecoBros is such to permit an ordinary observer to purchase the unauthorized its Keurig Vue Cup Storage Drawer Holder for 25 Vue Pods Packs by DecoBros, supposing it to be the patented Countertop Coffee Pod Drawers and/or Drawer for Holding Beverage Cartridges.

24. DecoBros actions have caused and will continue to cause irreparable harm to Nifty unless enjoined.

WHEREFORE, Plaintiff Nifty prays for judgment as follows:

- (a) In favor of Nifty Home Products, Inc. and against Pretty Star Store, LLC d/b/a DecoBros on all counts of this Complaint;
- (b) Preliminarily and permanently enjoining and restraining DecoBros and its officers, directors, agents, servants, employees, attorneys and all others acting under and through them from directly infringing or inducing others to infringe the ‘951, ‘088, ‘481, ‘039, ‘444, and ‘445 Patent
- (c) Awarding Nifty damages under Title 35 U.S.C. §§ 284 and 289, including DecoBros’ profits;
- (d) Awarding Nifty reasonable attorneys’ fees, costs and expenses and interest pursuant to 35 U.S.C. § 285 and any other applicable law; and
- (e) Awarding Nifty such other relief as this Court may deem just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues so triable.

**Date:** March 23, 2015

/Peter G. Nikolai/

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**ATTORNEYS FOR PLAINTIFF  
NIFTY HOME PRODUCTS, INC.**